

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V. CRIMINAL NO. 04 10044 MLW

EDWIN SERRANO

MOTION TO CONTINUE DATE OF SENTENCING

The defendant says that as a result of the Court's Order dated December 5, 2005, allowing his Motion for Appropriate Relief and ordering the United States Marshal to deliver the defendant in response to any state court writ of *habeas corpus*, it will take a period of time first to get the Middlesex Superior Court to issue the *habeas corpus*, and further time for the marshal to bring him into Court.

Thereafter the matter hopefully could be decided on the first occasion by the Court, but that is doubtful.

Accordingly the defendant moves that the date of sentencing be continued for a minimum of sixty days.

/s/ Roger Witkin
Roger Witkin
6 Beacon Street, Suite 1010
Boston, MA 02108
Tel. 617 523 0027
Fax 617 523 2024
BBO No. 531780

DATE: December 7, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Peter K. Levitt, a courtesy copy to Dennis O'Leary, Courtroom Clerk for Honorable Mark L. Wolf and USPO Tricia Marcy by mail and electronic filing, which was e-filed this day.

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